

EXECUTIVE OFFICER SUMMARY REPORT  
April 9, 2003

ITEM: 6

SUBJECT: AUTHORIZATION FOR THE EXECUTIVE OFFICER TO SIGN A SITE REMEDIATION AGREEMENT UNDER THE POLANCO ACT (CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33459 et seq.) FOR CLEANUP AND ABATEMENT OF GROUNDWATER POLLUTION FROM THE FORMER OMAR RENDERING FACILITY (Brian McDaniel)

PURPOSE: To authorize the Executive Officer to enter into a Site Remediation and Conditional Immunity Agreement ("Agreement") between the San Diego Regional Water Quality Control Board ("Regional Board") and the Redevelopment Agency of the City of Chula Vista ("Agency"). The agreement implements provisions of the Polanco Redevelopment Act.

PUBLIC NOTICE: Notification for this item was added to the Notification Section of the RWQCB agenda for the March 12, 2003 meeting.

DISCUSSION: The Polanco Redevelopment Act, Health & Safety Code §33459, et seq. (the "Act"), provides that a duly formed redevelopment agency authorized to use the Act "may take any actions that the agency determines are necessary and that are consistent with other state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area..." Health and Safety Code §33459.1(a)(1). Under the Act, an Agency may cause a party to undertake and complete an action pursuant to Section 33459.1 on properties throughout redevelopment areas. The Polanco Act is one statutory tool by which contaminated properties ("brownfields") are remediated, redeveloped and placed back into productive use.

The site of the former Omar Rendering Facility is within the City of Chula Vista's redevelopment area (Attachment 1 to this EOSR). Historic operations at the site included an animal by-product processing plant, underground storage tanks, and various waste water/oxidation ponds. In addition, a Class I liquid hazardous waste disposal facility was operational until 1978. A solid waste assessment test (SWAT) dated June 1989 and subsequent groundwater monitoring identified inorganic and volatile organic

compounds (VOCs) including tetrachloroethene, 1,1,2 trichloroethane, trichloroethene and methylene chloride in groundwater beneath the former Class I liquid hazardous waste surface impoundments. Other aspects of the site history are included in Attachment 3 to this EOSR.

The surface impoundments were closed pursuant to requirements of Order Nos. 80-06 and 87-141. Approximately 580,000 cubic yards of hazardous solid wastes ("contaminated soils") were generated during the closure of the surface impoundments and discharged into a Class I waste management unit (WMU) constructed at the site. The Regional Board currently regulates that Class I WMU under Order 97-40 (Attachments 4 and 5 to this EOSR). In 1996, the Department of Toxic Substances Control (DTSC) reviewed a Health Risk Assessment and concluded the site was suitable for commercial uses (Attachment No. 6 to this EOSR). Residual soil and groundwater pollution will be remediated by the current owner (Otay Mesa Ventures II, L.L.C.) pursuant to Cleanup and Abatement Order No. R9-2003-0080 (Attachment 7 to this EOSR).

The City of Chula Vista has proposed this Agreement with the Regional Board for the purpose of finalizing outstanding issues associated with the remediation of groundwater pollution and to facilitate the redevelopment of the site (Attachment Nos. 8 and 9 to the EOSR). A draft copy of the Site Remediation Agreement is included in Attachment No. 10 to this EOSR.

LEGAL CONCERNS: None

SUPPORTING  
DOCUMENTS:

Attachment 1: Location Map  
Attachment 2: Introduction  
Attachment 3: Site History  
Attachment 4: Order 97-40  
Attachment 5: Monitoring and Reporting Plan No. 97-40  
Attachment 6: Memorandum on Risk to Human Health from the  
Department of Toxic Substances Control (DTSC)  
Board  
Attachment 7: Cleanup and Abatement Order R9-2003-0080  
Attachment 8: Proposed Land Uses/Construction  
Attachment 9: Proposed Development Schedule  
Attachment 10: DRAFT Polanco Agreement

SIGNIFICANT None.

**CHANGES:**

**RECOMMENDATION:**

Regional Board staff recommends the authorization of the Executive Officer to enter into a Site Remediation Agreement (Polanco Agreement) for the remediation of the former Omar Rendering Site.